

SO. CAL. EQUAL ACCESS GROUP
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DEONDRE RAGLIN

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

DEONDRE RAGLIN,
Plaintiff,

vs.

JAL, L.P.; and DOES 1 to 10,
Defendants.

Case No.:

COMPLAINT FOR INJUNCTIVE
RELIEF AND DAMAGES FOR
VIOLATION OF:

1. AMERICANS WITH DISABILITIES
ACT, 42 U.S.C. §12131 et seq.;
2. CALIFORNIA'S UNRUH CIVIL
RIGHTS ACT, CAL CIV. CODE §§ 51 -
52 et seq.;
3. CALIFORNIA'S DISABLED
PERSONS ACT, CAL CIV. CODE §54 et
seq.
4. CALIFORNIA'S UNFAIR
COMPETITION ACT, CAL BUS & PROF
CODE § 17200, et seq.
5. NEGLIGENCE

Plaintiff DEONDRE RAGLIN ("Plaintiff") complains of Defendants JAL, L.P.;
and DOES 1 to 10 ("Defendants") and alleges as follows:

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JURISDICTION AND VENUE

1. The Court has jurisdiction of this action pursuant to 28 USC §1331 for violation of the Americans with Disabilities Act of 1990, (42 USC §12101, *et seq.*)

2. Pursuant to pendant jurisdiction, attendant and related causes of action, arising from the same nucleus of operating facts, are also brought under California law, including, but not limited to, violations of California Civil Code §§51, 51.5, 52(a), 52.1, 54, 54., 54.3 and 55.

3. Venue is proper in this court pursuant to 28 USC §1391(b). Defendants reside in this district.

PARTIES

4. Plaintiff is a California resident with a physical disability with substantial limitation in his ability to walk. Plaintiff suffers from paraplegia due to T8 spinal cord injury and requires the use of a wheelchair at all times when traveling in public.

5. Defendants are, or were at the time of the incident, the real property owners, business operators, lessors and/or lessees of the real property for a gas station and convenience store (“Business”) located at or about 10641 Firestone Blvd., Norwalk, California.

6. The true names and capacities, whether individual, corporate, associate or otherwise of Defendant DOES 1 through 10, and each of them, are unknown to Plaintiff, who therefore sues said Defendants by such fictitious names. Plaintiff will ask leave of Court to amend this Complaint when the true names and capacities have been ascertained. Plaintiff is informed and believes and, based thereon, alleges that each such fictitiously named Defendants are responsible in some manner, and therefore, liable to Plaintiff for the acts herein alleged.

7. Plaintiff is informed and believes, and thereon alleges that, at all relevant times, each of the Defendants was the agent, employee, or alter-ego of each of the other Defendants, and/or was acting in concert with each of the other Defendants, and in doing

1 the things alleged herein was acting with the knowledge and consent of the other
2 Defendants and within the course and scope of such agency or employment relationship.

3 8. Whenever and wherever reference is made in this Complaint to any act or
4 failure to act by a defendant or Defendants, such allegations and references shall also be
5 deemed to mean the acts and failures to act of each Defendant acting individually, jointly
6 and severally.

7 **FACTUAL ALLEGATIONS**

8 9. In or about July of 2022, Plaintiff went to the Business. The Business is a
9 gas station and convenience store establishment, which is open to the public, and is a
10 place of public accommodation and affects commerce through its operation. Defendants
11 provide parking spaces for customers.

12 10. While attempting to enter the Business during each visit, Plaintiff personally
13 encountered a number of barriers that interfered with his ability to use and enjoy the
14 goods, services, privileges, and accommodations offered at the Business. To the extent
15 of Plaintiff's personal knowledge, the barriers at the Business included, but were not
16 limited to, the following:

- 17 a. Defendant failed to maintain the parking space designated for persons
18 with disabilities to comply with the federal and state standards.
19 Defendants failed to maintain the paint on the ground as required.
- 20 b. Defendants failed to maintain the parking space designated for
21 persons with disabilities to comply with the federal and state
22 standards. Defendants failed to maintain the mark on the surface with
23 the International Symbol of Accessibility.
- 24 c. Defendant failed to maintain the parking space designated for persons
25 with disabilities to comply with the federal and state standards.
26 Defendants failed to provide the access aisles with level surface
27 slopes.
- 28

1 d. Defendants failed to comply with the federal and state standards for
2 the parking space designated for persons with disabilities. Defendants
3 failed to post required signage including “Minimum Fine \$250.”

4 11. These barriers and conditions denied Plaintiff the full and equal access to the
5 Business. Plaintiff wishes to patronize the Business again. However, Plaintiff is deterred
6 from visiting the Business because his knowledge of these violations prevents him from
7 returning until the barriers are removed.

8 12. Based on the violations, Plaintiff alleges, on information and belief, that
9 there are additional barriers to accessibility at the Business after further site inspection.
10 Plaintiff seeks to have all barriers related to his disability remedied. *See Doran v. 7-
11 Eleven, Inc.* 524 F.3d 1034 (9th Cir. 2008).

12 13. In addition, Plaintiff alleges, on information and belief, that Defendants
13 knew that particular barriers render the Business inaccessible, violate state and federal
14 law, and interfere with access for the physically disabled.

15 14. At all relevant times, Defendants had and still have control and dominion
16 over the conditions at this location and had and still have the financial resources to
17 remove these barriers without much difficulty or expenses to make the Business
18 accessible to the physically disabled in compliance with ADDAG and Title 24
19 regulations. Defendants have not removed such barriers and have not modified the
20 Business to conform to accessibility regulations.

21 **FIRST CAUSE OF ACTION**

22 **VIOLATION OF THE AMERICANS WITH DISABILITIES ACT OF 1990**

23 15. Plaintiff incorporates by reference each of the allegations in all prior
24 paragraphs in this complaint.

25 16. Under the Americans with Disabilities Act of 1990 (“ADA”), no individual
26 shall be discriminated against on the basis of disability in the full and equal enjoyment of
27 the goods, services, facilities, privileges, advantages, or accommodations of any place of
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1 public accommodation by any person who owns, leases, or leases to, or operates a place
2 of public accommodation. *See* 42 U.S.C. § 12182(a).

3 17. Discrimination, *inter alia*, includes:

- 4 a. A failure to make reasonable modification in policies, practices, or
5 procedures, when such modifications are necessary to afford such
6 goods, services, facilities, privileges, advantages, or accommodations
7 to individuals with disabilities, unless the entity can demonstrate that
8 making such modifications would fundamentally alter the nature of
9 such goods, services, facilities, privileges, advantages, or
10 accommodations. 42 U.S.C. § 12182(b)(2)(A)(ii).
- 11 b. A failure to take such steps as may be necessary to ensure that no
12 individual with a disability is excluded, denied services, segregated or
13 otherwise treated differently than other individuals because of the
14 absence of auxiliary aids and services, unless the entity can
15 demonstrate that taking such steps would fundamentally alter the
16 nature of the good, service, facility, privilege, advantage, or
17 accommodation being offered or would result in an undue burden. 42
18 U.S.C. § 12182(b)(2)(A)(iii).
- 19 c. A failure to remove architectural barriers, and communication barriers
20 that are structural in nature, in existing facilities, and transportation
21 barriers in existing vehicles and rail passenger cars used by an
22 establishment for transporting individuals (not including barriers that
23 can only be removed through the retrofitting of vehicles or rail
24 passenger cars by the installation of a hydraulic or other lift), where
25 such removal is readily achievable. 42 U.S.C. § 12182(b)(2)(A)(iv).
- 26 d. A failure to make alterations in such a manner that, to the maximum
27 extent feasible, the altered portions of the facility are readily
28 accessible to and usable by individuals with disabilities, including

1 individuals who use wheelchairs or to ensure that, to the maximum
2 extent feasible, the path of travel to the altered area and the
3 bathrooms, telephones, and drinking fountains serving the altered
4 area, are readily accessible to and usable by individuals with
5 disabilities where such alterations to the path or travel or the
6 bathrooms, telephones, and drinking fountains serving the altered
7 area are not disproportionate to the overall alterations in terms of cost
8 and scope. 42 U.S.C. § 12183(a)(2).

9 18. Where parking spaces are provided, accessible parking spaces shall be
10 provided. 1991 ADA Standards § 4.1.2(5); 2010 ADA Standards § 208. One in every
11 eight accessible spaces, but not less than one, shall be served by an access aisle 96 in
12 (2440 mm) wide minimum and shall be designated "van accessible." 1991 ADA
13 Standards § 4.1.2(5)(b). For every six or fraction of six parking spaces, at least one shall
14 be van parking space. 2010 ADA Standards § 208.2.4.

15 19. For the parking spaces, access aisles shall be marked with a blue painted
16 borderline around their perimeter. The area within the blue borderlines shall be marked
17 with hatched lines a maximum of 36 inches (914 mm) on center in a color contrasting
18 with that of the aisle surface, preferably blue or white. The words "NO PARKING" shall
19 be painted on the surface within each access aisle in white letters a minimum of 12 inches
20 (305 mm) in height and located to be visible from the adjacent vehicular way. CBC §
21 11B-502.3.3.

22 20. Here, Defendants failed to properly maintain the access aisles as there were
23 faded "NO PARKING" and faded blue lines painted on the parking surface.

24 21. The surface of each accessible car and van space shall have surface
25 identification complying with either of the following options: The outline of a profile
26 view of a wheel chair with occupant in white on a blue background a minimum 36" wide
27 by 36" high (914 mm x 914 mm). The centerline of the profile view shall be a maximum
28 of 6 inches (152 mm) from the centerline of the parking space, its sides parallel to the

1 length of the parking space and its lower side or corner aligned with the end of the
2 parking space length or by outlining or painting the parking space in blue and outlining
3 on the ground in white or a suitable contrasting color a profile view of a wheel chair with
4 occupant. *See* CBC § 11B-502.6.4, *et seq.*

5 22. Here, Defendants failed to maintain the mark on the surface with the
6 International Symbol of Accessibility as required.

7 23. Under the 1991 Standards, parking spaces and access aisles must be level
8 with surface slopes not exceeding 1:50 (2%) in all directions. 1991 Standards § 4.6.2.
9 Accessible parking spaces shall be at least 96 in (2440 mm) wide. Parking access aisles
10 shall be part of an accessible route to the building or facility entrance and shall comply
11 with 4.3. Two accessible parking spaces may share a common access aisle. Parked
12 vehicle overhangs shall not reduce the clear width of an accessible route. Parking spaces
13 and access aisles shall be level with surface slopes not exceeding 1:50 (2%) in all
14 directions. 1991 Standards § 4.6.3.

15 24. Here, the access aisle is not level with the parking space. Under the 2010
16 Standards, access aisles shall be at the same level as the parking spaces they serve.
17 Changes in level are not permitted. 2010 Standards § 502.4. “Access aisles are required
18 to be nearly level in all directions to provide a surface for transfer to and from vehicles.”
19 2010 Standards § 502.4 Advisory. *Id.* No more than a 1:48 slope is permitted.

20 25. Under the ADA, the method and color of marking are to be addressed by
21 State or local laws or regulations. *See* 36 C.F.R., Part 1191. Under the California
22 Building Code (“CBC”), the parking space identification signs shall include the
23 International Symbol of Accessibility. Parking identification signs shall be reflectorized
24 with a minimum area of 70 square inches. Additional language or an additional sign
25 below the International Symbol of Accessibility shall state “Minimum Fine \$250.” A
26 parking space identification sign shall be permanently posted immediately adjacent and
27 visible from each parking space, shall be located with its centerline a maximum of 12
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1 inches from the centerline of the parking space and may be posted on a wall at the
2 interior end of the parking space. *See* CBC § 11B-502.6, *et seq.*

3 26. Here, Defendants failed to provide signs stating “Minimum Fine \$250.”

4 27. A public accommodation shall maintain in operable working condition those
5 features of facilities and equipment that are required to be readily accessible to and usable
6 by persons with disabilities by the Act or this part. 28 C.F.R. 35.211(a). By failing to
7 maintain the facility to be readily accessible and usable by Plaintiff, Defendants are in
8 violation of Plaintiff’s rights under the ADA and its related regulations.

9 28. The Business has denied and continues to deny full and equal access to
10 Plaintiff and to other people with disabilities. Plaintiff has been and will continue to be
11 discriminated against due to the lack of accessible facilities, and therefore, seeks
12 injunctive relief to alter facilities to make such facilities readily accessible to and usable
13 by individuals with disabilities.

14 **SECOND CAUSE OF ACTION**

15 **VIOLATION OF THE UNRUH CIVIL RIGHTS ACT**

16 29. Plaintiff incorporates by reference each of the allegations in all prior
17 paragraphs in this complaint.

18 30. California Civil Code § 51 states, “All persons within the jurisdiction of this
19 state are free and equal, and no matter what their sex, race, color, religion, ancestry,
20 national origin, disability, medical condition, genetic information, marital status, sexual
21 orientation, citizenship, primary language, or immigration status are entitled to the full
22 and equal accommodations, advantages, facilities, privileges, or services in all business
23 establishments of every kind whatsoever.”

24 31. California Civil Code § 52 states, “Whoever denies, aids or incites a denial,
25 or make any discrimination or distinction contrary to Section 51, 515, or 51.6, is liable
26 for each and every offense for the actual damages, and any amount that may be
27 determined by a jury, or a court sitting without a jury, up to a maximum of three times the
28 amount of actual damage but in no case less than four thousand dollars (\$4,000) and any

1 attorney's fees that may be determined by the court in addition thereto, suffered by any
2 person denied the rights provided in Section 51, 51.5, or 51.6.

3 32. California Civil Code § 51(f) specifies, "a violation of the right of any
4 individual under federal Americans with Disabilities Act of 1990 (Public Law 101-336)
5 shall also constitute a violation of this section."

6 33. The actions and omissions of Defendants alleged herein constitute a denial
7 of full and equal accommodation, advantages, facilities, privileges, or services by
8 physically disabled persons within the meaning of California Civil Code §§ 51 and 52.
9 Defendants have discriminated against Plaintiff in violation of California Civil Code §§
10 51 and 52.

11 34. The violations of the Unruh Civil Rights Act caused Plaintiff to experience
12 difficulty, discomfort, or embarrassment. The Defendants are also liable for statutory
13 damages as specified in California Civil Code §55.56(a)-(c).

14 **THIRD CAUSE OF ACTION**

15 **VIOLATION OF CALIFORNIA DISABLED PERSONS ACT**

16 35. Plaintiff incorporates by reference each of the allegations in all prior
17 paragraphs in this complaint.

18 36. California Civil Code § 54.1(a) states, "Individuals with disabilities shall be
19 entitled to full and equal access, as other members of the general public, to
20 accommodations, advantages, facilities, medical facilities, including hospitals, clinics,
21 and physicians' offices, and privileges of all common carriers, airplanes, motor vehicles,
22 railroad trains, motorbuses, streetcars, boats, or any other public conveyances or modes
23 of transportation (whether private, public, franchised, licensed, contracted, or otherwise
24 provided), telephone facilities, adoption agencies, private schools, hotels, loading places,
25 places of public accommodations, amusement, or resort, and other places in which the
26 general public is invited, subject only to the conditions and limitations established by
27 law, or state or federal regulation, and applicable alike to all persons.

1 37. California Civil Code § 54.3(a) states, “Any person or persons, firm or
2 corporation who denies or interferes with admittance to or enjoyment of public facilities
3 as specified in Sections 54 and 54.1 or otherwise interferes with the rights of an
4 individual with a disability under Sections 54, 54.1 and 54.2 is liable for each offense for
5 the actual damages, and any amount as may be determined by a jury, or a court sitting
6 without a jury, up to a maximum of three times the amount of actual damages but in no
7 case less than one thousand dollars (\$1,000) and any attorney’s fees that may be
8 determined by the court in addition thereto, suffered by any person denied the rights
9 provided in Section 54, 54.1, and 54.2.

10 38. California Civil Code § 54(d) specifies, “a violation of the right of an
11 individual under Americans with Disabilities Act of 1990 (Public Law 101-336) also
12 constitute a violation of this section, and nothing in this section shall be construed to limit
13 the access of any person in violation of that act.

14 39. The actions and omissions of Defendants alleged herein constitute a denial
15 of full and equal accommodation, advantages, and facilities by physically disabled
16 persons within the meaning of California Civil Code § 54. Defendants have
17 discriminated against Plaintiff in violation of California Civil Code § 54.

18 40. The violations of the California Disabled Persons Act caused Plaintiff to
19 experience difficulty, discomfort, and embarrassment. The Defendants are also liable for
20 statutory damages as specified in California Civil Code §55.56(a)-(c).

21 **FOURTH CAUSE OF ACTION**

22 **UNFAIR COMPETITION ACT**

23 41. Plaintiff incorporates by reference each of the allegations in all prior
24 paragraphs in this complaint.

25 42. Defendants have engaged in unfair competition, unfair or fraudulent
26 business practices, and unfair, deceptive, untrue or misleading advertising in violation of
27 the Unfair Competition Act. Bus & Prof. Code §§ 17200 *et seq.*
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1 43. Defendants engage in business practices and policies that create systemic
2 barriers to full and equal access for people with disability in violation of state and federal
3 law.

4 44. The actions and omissions of Defendants are unfair and injurious to
5 Plaintiff, a consumer of the Business' goods and services. As a result of Defendants'
6 unfair business practice and policies, Plaintiff suffered injury in fact. Plaintiff was not
7 provided with goods and services provided to other consumers. Plaintiff seeks relief
8 necessary to prevent Defendants' continued unfair business practices and policies and
9 restitution of any month that Defendants acquired by means of such unfair competition,
10 including profits unfairly obtained.

11 **FIFTH CAUSE OF ACTION**

12 **NEGLIGENCE**

13 45. Plaintiff incorporates by reference each of the allegations in all prior
14 paragraphs in this complaint.

15 46. Defendants have a general duty and a duty under the ADA, Unruh Civil
16 Rights Act and California Disabled Persons Act to provide safe and accessible facilities
17 to the Plaintiff.

18 47. Defendants breached their duty of care by violating the provisions of ADA,
19 Unruh Civil Rights Act and California Disabled Persons Act.

20 48. As a direct and proximate result of Defendants' negligent conduct, Plaintiff
21 has suffered damages.

22 **PRAYER FOR RELIEF**

23 WHEREFORE, Plaintiff respectfully prays for relief and judgment against
24 Defendants as follows:

25 1. For preliminary and permanent injunction directing Defendants to comply
26 with the Americans with Disability Act and the Unruh Civil Rights Act;

27 2. Award of all appropriate damages, including but not limited to statutory
28 damages, general damages and treble damages in amounts, according to proof;

1 3. Award of all reasonable restitution for Defendants' unfair competition
2 practices;

3 4. Reasonable attorney's fees, litigation expenses, and costs of suit in this
4 action;

5 5. Prejudgment interest pursuant to California Civil Code § 3291; and

6 6. Such other and further relief as the Court deems just and proper.

7 **DEMAND FOR TRIAL BY JURY**

8 Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff hereby
9 demands a trial by jury on all issues so triable.

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11 Dated: October 12, 2022

SO. CAL. EQUAL ACCESS GROUP

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14 By: /s/ Jason J. Kim
15 Jason J. Kim, Esq.
16 Attorneys for Plaintiff
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